

REMARKS

Status of the claims

Independent claims 1, 13, 30 and 31 have been amended. New claims 59-62 have been added. Claims 1-62 are presently in the case.

Claims 1 and 13 have been amended to recite the use of a peaked promotor. Support for the amended claims is found at paragraph 38 and throughout the specification.

Claims 30 and 31 have been amended to correct a claim numbering error. Support for the amendment is found throughout the specification.

Support for the new claims 59 and 60 is found at original claims 7 and 34 and throughout the specification.

New claims 61 and 62 correspond to previously presented claims 27, 33, 37, 41, 46, 50, 54 and 58 which the Examiner indicated in the previous action would be allowable if rewritten in independent form. While each of the prior claims is not rewritten as a separate independent claim Applicants believe that the newly-presented independent claims combine the limitations of the claims found to have allowable subject matter without expanding the scope of those claims.

Applicants believe that all of the claims are in condition for allowance, and favorable action by the Examiner is earnestly requested.

Information Disclosure Statement

An information disclosure statement is being submitted by the Applicants. The disclosure is timely because no item of information in the IDS was known to any individual

designated in 37 CFR 1.56(c) more than three months prior to the filing of the statement. Applicants therefore request that the IDS be considered by the Examiner.

The claim rejections under 35 U.S.C. §112 are overcome.

The Action rejects claims 28, 32, 36, 40, 45, 49, 53 and 57 as being vague and indefinite. The Examiner's assumption that there were errors made in the language of the claims is correct. Applicants believe that these errors were rectified in Applicant's Supplemental Amendment filed on April 8, 2005.

The Action rejects claim 45 as incorrectly stating that it depends from claim "14b". Applicants believe that this claim too was previously corrected in a Supplemental Amendment filed by Applicants on April 8, 2005.

Applicants therefore believe that the rejections under 35 U.S.C. §112 have been overcome.

The double patenting rejection has been overcome.

The Action advised that claims 30-32 are not allowable over claims 27-28. The claims have been amended to correct the error in claim numbering that gave rise to the problem. Applicants believe that the potential double patenting objection has therefore been overcome.

The rejection of the claims under 35 U.S.C. §102 have been overcome.

The Action rejects claims 1-5, 7, 9-10, 13-14, 16, 18-19, 25-28, 30-32, 34-36, 42-5 and 51-53 as being anticipated by Thomas *et al.*, U.S. Pat. No. 5,976,193.

Independent claims 1 and 13 have been amended to require the presence of a peaked promotor. The Thomas *et al.* reference does not disclose peaked promoters. Applicants therefore believe that the rejection of the claims has been overcome by the amendments. Applicants respectfully request that the rejection be withdrawn.

New claims 59 and 60 correspond to original claims 7 and 34. According to the Action, Thomas *et al.* discloses the use of Lewis acids and bases. Thomas does not disclose, however, the use of oxidizing agents with a promoter for controlling odors. Indeed, in the Description of Related Art Thomas teaches away from the use of oxidative agents. Thomas therefore does not disclose all of the elements of the claimed invention.

Applicants therefore respectfully request that the rejection under 35 U.S.C. §102 be withdrawn.

The rejection of the claims under 35 U.S.C. §103(a) have been overcome.

The Action rejects claims 6, 8, 11-12, 15, 17, 20-21, 23-24, 38-40, 47-49 and 55-57 as being unpatentable over Thomas *et al.* in view of Applicant's admission of the state of the prior art.

Independent claims 1 and 13 have been amended to require the presence of a peaked promotor. The Thomas *et al.* reference does not disclose peaked promoters. Applicants therefore believe that the rejection of the claims has been overcome by the amendments. Applicants respectfully request that the rejection be withdrawn.

CONCLUSION

In light of the foregoing amendments and remarks, Applicant respectfully submits that all claims are in condition for allowance, and solicits an early indication to that effect. Should the Examiner have any questions regarding this response, please contact the undersigned at (512) 542-8441.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,

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